

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Da'von Lamont Moore,
#HC05222433419, *a/k/a Da-Von*
Lamont Moore,

Plaintiff,

vs.

Allie Sheets, Cherly Grent,
Courtney Weeks,

Defendants.

Case No.: 4:25-cv-1329-JD-TER

ORDER AND OPINION

This matter is before the Court on the Report and Recommendation ("Report") of United States Magistrate Thomas E. Rogers, III, (DE 9) issued under 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) of the District of South Carolina. The Report addresses the Magistrate Judge's pre-service screening of Plaintiff Da'von Lamont Moore's ("Plaintiff" or "Moore") pleadings under 28 U.S.C. § 1915.¹

A. Background

The Report sets forth the relevant facts and legal standards, which the Court incorporates herein. A brief summary follows for context.

Moore, a pretrial detainee proceeding *pro se* and *in forma pauperis*, brings this action under 42 U.S.C. § 1983 against three South Carolina Department of Social

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

Services (“DSS”) employees—an investigator, a supervisor, and a case worker. (DE 1 at 1–3.) Plaintiff is currently detained on state charges, including kidnapping, child abuse, and willful abandonment, stemming from a May 2024 arrest in Horry County.²

Plaintiff alleges that Defendants knowingly acted on a false report, removed his children from the home, and denied him the opportunity to regain custody. (*Id.* at 8.) He further alleges that Defendants should be held in contempt for their actions.

B. Report and Recommendation

On March 14, 2025, the Magistrate Judge recommended that Plaintiff’s Complaint be dismissed without prejudice and without issuance or service of process (DE 9), applying the less stringent standard afforded to pleadings filed by *pro se* litigants. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007); *Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). The Report provides multiple bases for dismissal, including the following:

- **Statutory Immunity:** Under South Carolina law, DSS employees are immune from civil and criminal liability for actions taken in connection with child protective or welfare functions. *See* S.C. Code Ann. § 63-7-400.
- **Rooker-Feldman Doctrine:** To the extent Plaintiff challenges state court orders, federal district courts lack jurisdiction to review or invalidate such rulings.
- **Ongoing State Proceedings:** Plaintiff appears to seek federal court intervention in an active family court matter. Absent extraordinary circumstances, federal courts must abstain from interfering with pending state proceedings.

(DE 9 at 3-5.) No objections to the Report have been filed.

² Plaintiff is represented by an attorney on his criminal charges. Plaintiff was denied bond by a state court judge.

C. Legal Standard

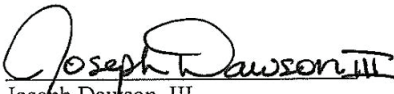
In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The Court must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

D. Conclusion

After a thorough review of the Report and the record, and finding no clear error, the Court adopts the Magistrate Judge’s Report (DE 9) and incorporates it herein by reference.

Accordingly, it is **ORDERED** that Plaintiff’s Complaint (DE 1) is **DISMISSED** with prejudice and without issuance and service of process.

IT IS SO ORDERED.



Joseph Dawson, III
United States District Judge

Florence, South Carolina
May 20, 2025

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order within thirty (30) days from this date under Rules 3 and 4 of the Federal Rules of Appellate Procedure.